

**Appln No. 10/779,467**  
**Amdt date September 11, 2008**  
**Reply to final Office action of July 11, 2008**

**REMARKS/ARGUMENTS**

Claims 1-29 are pending in the present application, of which claims 4, 6, 8, 9, 13 and 28 have been withdrawn from consideration.

Claims 1-3, 5, 7, 10-12, 14-24, 26 and 27 have been rejected under 35 U.S.C. 103 (a) over Billen (US 6,412,357) in view of Eubank (US 4,979,773).

Claim 1 recites "an at least partially hollow cylindrical drive element pivotably connected to the seat element, the drive element comprising a component of a displacement arrangement for an adjustable part of the motor vehicle seat." On pages 2-4 of the Office action, the Examiner asserts that Eubank teaches "a cylindrical drive element 58 pivotably connected to the seat element and being a component of a displacement arrangement for an adjustable part of the seat. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat assembly of Billen such that the at least partially hollow cylindrical drive element is capable of pivot connection to the seat element and the drive element comprises a component of a displacement arrangement for an adjustable part of the motor vehicle seat, such as the seat assembly disclosed by Eubank."

In response to the previous Office action, Applicants remarked that modifying Billen as taught by Eubank would destroy the function of Billen. On pages 5-6 of the Office action, the Examiner asserts that the modification would not destroy the function of Billen "as detection occurs only when in the use position, such that the guide slot is vertically oriented." For the following reasons, Applicants believe that one of ordinary skill in the art would not have modified Billen as taught by Eubank.

Billen explicitly discloses that the bearing 220 is securely connected to the lower frame 212. *See col. 5, lines 65-68.* As a result, the bearing 220 is always oriented vertically as shown in FIG. 5 in order to properly measure the force F. As Applicants remarked in the previous response, any deviation of the bearing 220 from the vertical orientation would destroy the function of the device in Billen. Accordingly, since bearing 220 is securely connected to the

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lower frame 212 and the vertical orientation of the bearing 220 of Billen in the securely connected position is essential to the proper functioning of the device in Billen, one of ordinary skill in the art would have no motivation to modify the device of Billen as taught by Eubank to make the bearing 220 of Billen pivotable as the Examiner suggests.

Applicants further believe that modifying the device of Billen as taught by Eubank to make the bearing 220 of Billen pivotable and comprise a component of a displacement arrangement of the motor vehicle seat would serve no function or purpose in Billen. Referring to FIG. 4 of Billen, the bearing 220 of Billen is securely connected to the lower frame 212. However, the only function of the bearing 220 of Billen is to house the weight sensor 222 and the journal 218 in order to provide vertical movement of the journal 218 against the sensor 222. As shown in FIG. 4 of Billen, the bearing 220 is neither connected to any part other than the lower frame 212 nor performs any other function but to house the sensor 222 and the journal 218. Accordingly, modifying the bearing 220 to make the bearing 220 pivotable and comprise a component of a displacement arrangement would serve no function whatsoever in the device of Billen. Furthermore, as discussed by Applicants in the previous response, pivoting of the bearing 220 can destroy the function of Billen. Therefore, one of ordinary skill in the art would not have modified the bearing 220 of Billen as taught by Eubank because such a modification would not serve any function or purpose in Billen.

The Examiner asserts that "detection occurs only when in the use position, such that the guide slot is vertically oriented." Referring to FIG. 4 of Eubank, the seat 26 has multiple use positions. One use position of the seat in Eubank can be set when the pin 66 is in the detent 42 as shown in FIG. 3. Because the seat cushion 26 of Eubank moves so as to be parallel with the floor of the vehicle (*see FIG. 4 of Eubank and col. 3, lines 16-24*), another use position can be set when the pin 66 is in the detent 44 as shown in FIG. 4. In the latter use position, however, the rear link 48 is not oriented vertically. Accordingly, in contrast to the Examiner's assertion, one of ordinary skill in the art would not have modified the bearing 220 of Billen according to the teaching of Eubank because the weight of the seat's occupant would not be properly measurable in the use positions of the seat as taught by Eubank.

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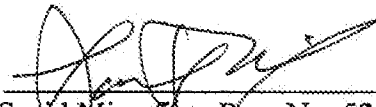
Applicants further believe that one of ordinary skill in the art would not have modified the device of Billen as taught by Eubank because the parts in Eubank cannot be substituted in the device of Billen. Referring to FIG. 2 of Eubank, the rear link 48 is mounted over and around the pivot pin 58. In contrast, the journal 218 of the upper frame 210 of Billen pivots inside the bearing 220 for engaging the weight sensor 222. Mounting the upper frame 210 of Billen over the bearing 220 as taught by Eubank would destroy the weight sensing function of Billen. Furthermore, Eubank does not teach or suggest that the pivot pin 58 is hollow such that it can receive a weight sensor. In contrast, the bearing 220 of Billen is hollow in order to receive the journal 218 and the weight sensor 222. Accordingly, substituting the hollow bearing 220 of Billen with the pivot pin 58 of Eubank would also destroy the weight sensing function of Billen. Therefore, one of ordinary skill in the art would not have modified the device of Billen using the teachings of Eubank.

For the foregoing reasons, Applicants believe that claims 1-3, 5, 7, 10-12, 14-24, 26 and 27 are patentable over Billen in view of Eubank.

Claims 25 and 29 have been rejected under 35 U.S.C. 103 (a) as being unpatentable over Billen in view of Eubank as applied to claims 1-3, 5, 7, 10-12, 14-24, 26, and 27, and further in view of US Publication No. 2003/0067196 A1, Sakamoto, et al. As described above, because claim 1 is patentable over Billen in view of Eubank, Applicants believe that claims 25 and 29 are patentable over Billen, Eubank and Sakamoto, et al.

Applicants believe that the claims are now in condition for allowance.

Respectfully submitted,  
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